

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

ALLIED PORTABLES, LLC,

Debtor.

Case No. 9:17-bk-00865
Chapter 11

**EMERGENCY HEARING
REQUESTED**

**DEBTOR'S EMERGENCY MOTION FOR AUTHORITY TO ENTER INTO
SECURED FINANCING FOR PURCHASE OF REPLACEMENT TRUCK**

ALLIED PORTABLES, LLC, Debtor-in-Possession ("Debtor"), by and through its undersigned counsel, hereby seeks the entry of an Order authorizing the Debtor to enter into a post-petition secured financing for purchase of a replacement truck, pursuant to 11 U.S.C §§ 363(b), 364(c) and 105(a), and respectfully states as follows:

1. On February 1, 2017 (the "Petition Date"), the Debtor filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.
2. The Debtor is in the port-a-let business. As a regular part of its business, the Debtor uses trucks to move and maintain its port-a-let equipment.
3. Pursuant to 11 U.S.C. §§ 1107 and 1108, the Debtor is continuing as a Debtor-in-Possession.
4. An Official Committee of Unsecured Creditors has not been appointed as of the filing of this pleading.
5. This Court has jurisdiction herein pursuant to 28 U.S.C. §1334 and §158. This is a core matter under section 157(b) of the Bankruptcy Code. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 4109.

6. The Debtor owns and operates multiple trucks necessary and critical to its business. The trucks are used to transport and maintain the port-a-lets. Shortly after the filing, one of the Debtor's trucks at its Palmetto location was severely damaged and must be replaced.

7. The insurance process will take time and will not result in an immediate replacement truck. In the interim, the Debtor urgently needs a replacement truck.

8. In the ordinary course of its business, the Debtor recently acquired a new truck from Wallace International Truck, Inc. ("Wallace") in Fort Myers that was financed by Hitachi Capital America Corp. ("Hitachi"). Paperwork from the recent transaction is attached hereto as **Exhibit A**.

9. The Debtor wishes to acquire a new, similar truck from Wallace on similar financing terms. The financing may be offered by Hitachi or a similar truck finance company, but would be generally on the same terms as the recent transaction.

10. No creditor or party-in-interest will be harmed by the requested relief.

WHEREFORE, the Debtor respectfully requests that the Court enter an Order granting it authority to purchase a new truck on financed terms similar to the recent transaction shown on the attached **Exhibit A**.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished upon all creditors (see attached Matrix) by U.S. Mail this 20th day of February, 2017, and on the CM/ECF participants (indicated on the attached Matrix with a “+” symbol) via Electronic Service Text Entry at the time of entry by the Court.

JOHNSON, POPE, BOKOR,
RUPPEL & BURNS, LLP

/s/ Michael C. Markham

Michael C. Markham (FBN: 0768560)

401 E. Jackson St., Suite 3100 (33602)

P.O. Box 1100

Tampa, FL 33601-1100

Telephone: 813-225-2500

Facsimile: 813-223-7118

Email: Mikem@jpfirm.com

Attorneys for Debtor

3871015

WALLACE INTERNATIONAL TRUCKS, INC.
2761 EDISON AVE., FORT MYERS, FL 33916
239-334-1000
Fax: 239-334-8712

RETAIL ORDER FOR NEW AND USED MOTOR VEHICLES AND ATTACHMENTS

DATE 12/30/2016	PHONE
PURCHASER ALLIED PORTABLES, LLC	
COMPANY ALLIED PORTABLES, LLC	
ADDRESS	

CITY AND STATE FORT MYERS, FL	CITY FORT MYERS	COUNTY
STOCK NUMBER 40203	CUSTOMER NUMBER 400723	STATE, ZIP FL 33916
		MILEAGE

I hereby order from Seller, subject to all terms, conditions and agreements contained herein, and the ADDITIONAL PROVISIONS printed on the REVERSE hereof, the following:

YEAR *	NEW USED	MAKE	MODEL	SERIAL OR IDENTIFICATION NUMBER	BODY TYPE	COLOR	PRICE
2017	NEW	HINO	268A	5PVNJ8JV5H4S65979		WHITE	62960.00

*YEAR SHOWN IS THE YEAR DESIGNATED

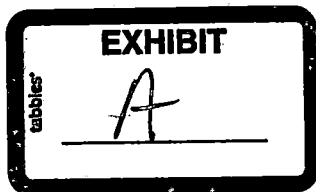
TERMS are payment on delivery.

Delivery of this purchase to be made at 2761 East Edison Ave., Fort Myers, FL 33916

OTHER EQUIPMENT:	1. CASH PRICE	62960.00
	2. EXTENDED WARRANTIES AND/OR VEHICLE SERVICE CONTRACTS	N/A
	3. FEDERAL EXCISE TAX	N/A
	4. STATE SALES TAX	3807.48
	5. CASH PRICE PLUS TAX	66767.48
	6. CASH DOWN PAYMENT	\$ 6861.00
	TRADE-IN (NET ALLOWANCE)	N/A
	7. UNPAID BALANCE OF CASH PRICE (4 LESS 5)	\$ 59906.48
	TOTAL DOWN PAYMENT	
	OTHER CHARGES	8.a. \$ N/A
	8.b. \$ N/A	
	8.c. \$	
	8.d. \$ N/A	
	8.e. LICENSE & TITLE FEES*	\$ 400.00
	8.f. DEALER SERVICE FEE**	\$ 489.00
	8.g. TIRE & BATTERY FEE	\$ 9.00
	TOTAL OTHER CHARGES	898.00
	9. UNPAID BALANCE (Amount Financed) (TOTAL OF 6 and 7)	60804.48
		\$ -

☐ If marked the AMT OWING TO THE LIENHOLDER IS ONLY AN ESTIMATE. PLEASE READ PARAGRAPH 9 ON THE REVERSE SIDE.

ADDITIONAL INFORMATION



EXTENDED WARRANTIES AND/OR VEHICLE SERVICE CONTRACT DETAILS

We are selling this Vehicle to you AS-IS and we expressly disclaim all warranties, express and implied, including any implied warranties of merchantability and fitness for a particular purpose. We may provide you with a separate written warranty, in which the Dealership expressly agrees to assume certain obligations. THERE ARE NO WARRANTIES OR OBLIGATIONS WHICH EXTEND BEYOND THOSE SET FORTH HEREIN OR IN OUR SEPARATE WRITTEN WARRANTY. Any warranties by a manufacturer, service contract provider, or supplier other than our Dealership are theirs, not ours, and only such manufacturer, service contract provider, or supplier shall be liable for performance under such warranties. No verbal promises by dealership representatives or third parties will be recognized or honored in connection with the sale of the vehicle or other goods and services.

x <u>Amee Do Semino</u> 1/6/17 ACCEPTED DATE	x _____ DECLINED DATE
NOTE: This Order is subject to the written acceptance of the dealer which it is addressed, and if addressed to International Truck and Engine Corporation is subject to written acceptance by its Regional Sales Management or Branch Managers. PURCHASER'S DEPOSIT WILL BE RETURNED IF NOT ACCEPTED, SUBJECT TO THE TERMS SET FORTH ON THE REVERSE SIDE. NO REFUNDS WILL BE GIVEN FOR SPECIAL ORDER OR CUSTOM VEHICLES.	
BY: _____	
ORDER TAKEN BY: _____	
PURCHASER: _____	
BY: <u>Amee Do Semino</u>	

Application #: 278344

MOTOR VEHICLE SECURITY AGREEMENT

This Motor Vehicle Security Agreement ("Agreement") dated as of 12/30/2016, by and between Hitachi Capital America Corp. ("Creditor"), a Delaware corporation having a place of business at 800 Connecticut Avenue, Norwalk, Connecticut 06854; and ALLIED PORTABLES, LLC (separately and together, the "Buyer") having an address at 3770 Veronica S Shoemaker Blvd, Fort Myers, FL 33916-2267; and with Buyer and Creditor, collectively, the "Parties".

1. **GRANT OF SECURITY INTEREST:** Buyer grants to Creditor a security interest in the vehicle(s) being purchased, listed below (collectively the "Vehicle(s)"), and any attachments, additions, accessories and equipment then installed in the Vehicle(s) and all replacement parts and all proceeds thereof (collectively the "Collateral")

Description of Collateral:

(1) 2017 HINO 268A 5PVNJ8JV1H4S66112

Name and Location of Dealer: WALLACE INTERNATIONAL, 2761 E. EDISON AVENUE, FT. MEYERS, FL 33916

GARAGING ADDRESS: 3770 Veronica S Shoemaker Blvd, Fort Myers, FL 33916-2267

2. **OBLIGATIONS SECURED:** Each item of Collateral set forth above in Paragraph 1 secures not only the specific amount which Buyer promises to pay pursuant to Paragraph 3, but also all other present and future indebtedness or obligations of Buyer to Creditor and Creditor's affiliates of every kind and nature (collectively the "Indebtedness").
3. **PROMISE TO PAY; TERMS AND PLACE OF PAYMENT:** Buyer promises to pay the Indebtedness to the Creditor at the rates and upon such terms as provided herein. Buyer, having agreed to purchase the Collateral, desires to finance a portion of the purchase price of the Collateral from Creditor, under the terms and provisions of this Agreement, and agrees with the Creditor as follows:

Description of Trade-In(s) if any:

Gross Allowance \$0.00

Less Amount Owing To: \$0.00

Trade-In (Net Allowance) \$0.00

A. CASH SALE PRICE OF VEHICLE(S) \$62,960.00
 LICENSE, TAXES and OFFICIAL FEES \$4,437.14
 OTHER FEES (FET, Insurance or Warranty fees) \$0.00

TOTAL COST \$67,397.14

B. (a) Cash Down Payment \$6,861.00

(b) Net Trade-In Allowance (See above) \$0.00

(c) Other Credits \$
(Describe):

TOTAL DOWN PAYMENT \$6,861.00

C. DIFFERENCE BETWEEN A & B \$60,536.14

D. AMOUNT FINANCED / Credit provided to you or on your behalf:
 Difference between A & B \$60,536.14

E. Finance Charge
 (The total amount of interest you will pay) \$10,872.26

F. Total Amount of Payments (D+E) \$71,408.40

G. Total Sale Price (B+F) \$78,269.40

PAYMENT SCHEDULE: Buyer promises to pay Creditor the AMOUNT FINANCED (Item D above) PLUS interest calculated at a rate per annum of 6.70% (the "Indebtedness") until all amounts due Creditor hereunder have been fully paid, with such payments to be made in installments as follows:

- ☒ For equal successive monthly installments: (a) The term of this obligation shall be 60 months commence on the date of delivery. The Buyer shall pay to the Creditor 60 consecutive monthly installments of principal and interest in the amount of \$1,190.14 commencing on 01/30/2017 at which time the entire principal balance together with all accrued interest shall



1190.14
 338.00 Int
 852.14 Amer.

Label Matrix for local noticing
113A-9
Case 9:17-bk-00865-FMD
Middle District of Florida
Ft. Myers
Mon Feb 20 15:50:28 EST 2017

Fort Myers Automotive
3755 Fowler Street
PO Box 60202
Fort Myers, FL 33906-6202

Airgas
PO Box 532609
Atlanta, GA 30353-2609

Amerisure Mutual Insurance
Lockbox 730502
Dallas, TX 75373-0502

Bob Dean Supply Inc
2624 Hanson St
Fort Myers, FL 33901-7488

Chem Aqua
23261 Network Place
Chicago, IL 60673-1232

Coastal Paper & Chemical
864 SE 46th Lane
Cape Coral, FL 33904-8818

FEDEX
PO Box 660481
Dallas, TX 75266-0481

Florida Dept of Transportati
PO Box 105477
Atlanta, GA 30348-5477

HK&M Properties
4104 61st Street E
Palmetto, FL 34221-9332

Allied Portables, LLC
PO Box 61809
Fort Myers, FL 33906-1809

Robin Youmans
c/o Daniel R. Fogarty, Esq.
Stichter, Riedel, Blain & Postler, P.A.
110 E. Madison St., Ste. 200
Tampa, FL 33602-4718

Allied Recycling
PO Box 2506
Fort Myers, FL 33902-2506

Audi Financial Services
PO Box 5215
Carol Stream, IL 60197-5215

Buchanan Ingersoll &
Rooney, PC
2235 First St
Fort Myers, FL 33901-2979

Chester Adamsom
5805 Chiquita Blvd S
Cape Coral, FL 33914-8030

Department of Revenue
PO Box 6668
Tallahassee FL 32314-6668

Fastenal Co
PO Box 978
Winona, MN 55987-0978

Florida Spring & Axle Servic
2335 Rockfill Rd
Fort Myers, FL 33916-4819

Heritage Crystal Clean LLC
13621 Collections Center Dr
Chicago, IL 60693-0136

Caryl E. Delano
Tampa
, FL

Aero Hardware & Supply
300 International Pkwy
Sunrise, FL 33325-6240

American Express
P.O. Box 650448
Dallas, TX 75265-0448

Barnett
PO Box 404295
Atlanta, GA 30384-4295

Century Link
P.O. Box 1319
Charlotte, NC 28201-1319

Cintas
P.O. Box 630910
Cincinnati, OH 45263-0910

FCB Bank
PO Box 790408
Saint Louis, MO 63179-0408

Florida Dept of Revenue
Ft Myers Service Center
2295 Victoria Ave
Suite 270
Fort Myers, FL 33901-3871

Fort Myers Automotive
3755 Fowler Street
PO Box 60202
Fort Myers, FL 33906-6202

Hitachi
21925 Network Place
Chicago, IL 60673-1219

Imperial Supplies, LLC
PO Box 23910
Green Bay, WI 54305-3910

Industrial & Marine Hardware
2947 Hanson St
Fort Myers, FL 33916-7583

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

J&J Chemicals
PO Box 614
Crawford, GA 30630-0614

Jackson Citrus Inc
PO Box 610
Labelle, FL 33975-0610

LCCEC
PO Box 31477
Tampa, FL 33631-3477

MPI Management Planning
1000 Lenox Dr
Lawrenceville, NJ 08648-2312

Monro Muffler Brake, Inc
200 Hollleder Pkwy
Rochester, NY 14615-3808

Motion Industries Inc
PO Box 404130
Atlanta, GA 30384-4130

Paramount Chemical & Plastic
14680 Cementery Rd
Fort Myers, FL 33905-7308

PolyJohn
PO Box 10805
Merrillville, IN 46411-0805

Port Consolidated
PO Box 350430
Fort Lauderdale, FL 33335-0430

Progressive Waste Solutions
of Florida, Inc.
PO Box 5278
Carol Stream, IL 60197-5278

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c/o Daniel Fogarty
110 East Madison St., Ste. 200
Tampa, Florida 33602-4718

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Stichter, Riedel, Blain & Postler, P.A.
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SE Power Systems of Ft Myers
5900 Country Lakes Dr
Fort Myers, FL 33905-5505

Safelite
1800 Boy Scout Dr
Fort Myers, FL 33907-2113

Specialty Vehicle and
Equipment Funding
213 W 35th Street, 10th FL
New York, NY 10001-1903

SunTrust Bank
Attn: Support Services
P.O. Box 85092
Richmond, VA 23286-0001

SunTrust Consumer Loan
PO Box 791144
Baltimore, MD 21279-1144

Sylint
240 N Washington Blvd
#600
Sarasota, FL 34236-3900

The Expediter, LLC
6667 White Drive
West Palm Beach, FL 33407-1236

Thread Source Inc.
PO Box 61622
Fort Myers, FL 33906-1622

Tidy Coast Event Services
13150 SE Flora Ave
Hobe Sound, FL 33455-9789

Tims Towing & Recovery Inc
PO Box 1206
Labelle, FL 33975-1206

Tire Super Center
2800 Fowler St
Fort Myers, FL 33901-6315

Toico Industries, Inc
3205 So. Bouwhuis Dr
West Haven, UT 84401-2639

Toyota Commercial Finance
Dept. 2431
Carol Stream, IL 60132-2431

Verizon Wireless
PO Box 660108
Dallas, TX 75266-0108

Walex Products Co Inc
PO Box 3785
Wilmington, NC 28406-0785

Wallace International Trucks
PO Box 1585
Fort Myers, FL 33902-1585

Wex Bank
PO Box 6293
Carol Stream, IL 60197-6293

Woods Steel Division
3724 Dr Martin Luther King
Fort Myers, FL 33916-4637

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Johnson Pope Bokor Ruppel & Burns LLP
Post Office Box 1100
Tampa, FL 33601-1100

Benjamin E. Lambers +
Timberlake Annex
501 E. Polk Street, Suite 1200
Tampa, FL 33602-3945

United States Trustee - FTM +
Timberlake Annex, Suite 1200
501 E. Polk Street
Tampa, FL 33602-3949

Daniel R Fogarty +
Stichter, Riedel, Blain & Postler, P.A.
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Tampa, FL 33602-4718

Note: Entries with a '+' at the end of the
name have an email address on file in CMECF

End of Label Matrix	
Mailable recipients	67
Bypassed recipients	0
Total	67